

# Categorical Exclusion

**NVN 094022 and NVN 094023 (Issuance of perpetual rights-of-ways for Yerington Land Conveyance)**

Sierra Front Field Office

Carson City

Nevada

89701

775-885-6000

## *Categorical Exclusion Review*

### **Background**

The following described public land which encompasses a portion of Right-of-Way (ROW) N 001018 and N 007255 has been identified for conveyance (sale) to the city of Yerington, Nevada (BLM Serial Number N-093739) under the authority of the National Defense Authorization Act for Fiscal Year 2015 (Act) (Public Law [PL] 113-291), Section 3009. Northern Nevada Land Conveyances:

The land located in Lyon County and Mineral County, Nevada, that is identified on the map as “City of Yerington Sustainable Development Conveyance Lands”.

The regulations at 43 CFR 2807.15(b) requires BLM to notify the ROW holders prior to the transfer out of federal ownership of land encumbered by their ROW. This formal notification of the proposed sale and of the options available for future administration of the portions of the ROW within the above-described lands is in conformance with existing policies and procedures. Please note that any portions of the ROW not affected by the proposed sale would continue to be administered by the BLM under the terms, conditions, and stipulations of the existing ROW grant.

The available options for the portions of the ROW within the above-described lands are:

- 1) You can maintain the ROW under its current terms and conditions, including expiration date (status quo). The patent, if issued, would be subject to the ROW, and the patentee would succeed to the interest of the United States in all matters relating to the management of the ROW. Any disputes over compliance with the use and the terms and conditions of the ROW would be considered a civil matter between the patentee and yourself.
- 2) You may request amendment of the ROW to convert the term of the ROW to perpetuity. An application to amend the ROW must be submitted, and the amendment application shall be subject to payment of applicable application processing and

monitoring fees and potential changes in the terms, conditions, and stipulations of the ROW. In the application (Standard Form 299), you must check Item 5.c., and must indicate in Item 7 that you are requesting conversion of the existing ROW to a perpetual ROW. Issuance of an amendment grant shall require a one-time payment of rental in accordance with the regulations, and must be submitted in full prior to issuance of an amendment grant. Individuals shall not be allowed to make incremental payments. This one-time rental payment shall be in addition to any previous rental paid for the ROW, however credit for rental previously paid shall be given for the "unused" portion of the rental on a prorated, actual dollar basis. Please be aware that a perpetual ROW shall only be granted if the public land is conveyed out of Federal ownership. The patent, if issued, would be subject to the perpetual ROW, and the patentee would succeed to the interest of the United States in all matters relating to the management of the ROW. Any disputes over compliance with the use and the terms and conditions of the ROW would be considered a civil matter between the patentee and yourself. In the event the amendment application would be rejected, Option 1 above (the status quo) shall automatically be implemented. If the public land is not sold and is retained in Federal ownership, the amendment application may be held in abeyance pending a determination for future consideration of disposal of the land.

Sierra Pacific Power Company dba/ NV Energy (NVN 007255) and The City of Los Angeles Department of Water and Power (NVN 001018) have both applied for perpetual right-of-ways as outlined in option 2 above. There would be no modification or ground disturbing activities related to this request and it only requires an administrative action to complete. Those portions of the existing ROW (NVN 007255 & NVN 001018) being conveyed out of federal ownership shall be converted in perpetuity and issued a new BLM serial number and said portions of the existing ROW's shall be relinquished. The new serial numbers are as follows;

1. Sierra Pacific Power Company dba NV Energy – NVN 094022
2. The City of Los Angeles Department of Water and Power – NVN 094023

**BLM Office:**

LLNVC02000

**Lease/Serial/Case File No.:**

NVN 094022 & NVN 094023

**Location of Proposed Action:**

Mount Diablo Meridian, Nevada

T. 12 N., R. 26 E., sec. 1, 2, & 12;

T. 13 N., R. 26 E., sec. 35;

T. 13 N., R. 27 E., sec. 28.

**Description of Proposed Action:**

Prepare administrative documents necessary for the conversion of existing ROW's from term to perpetual.

**Land Use Plan Conformance**

**Land Use Plan Name:** Nevada, Carson City Consolidated Resource Management Plan

**Date Approved/Amended:** May 2001

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):**

LND-7, (6.) "Exchanges and minor non-Bureau initiated realty proposals will be considered where analysis indicates they are beneficial to the public."

**Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

The applicable section is: 516 DM 11.9 (E) 9: "Renewals and assignments of leases, permits, or rights-of-ways where no additional rights are conveyed beyond those granted by the original authorization."

I considered the following:

**Impacts on Public Health and Safety**

1. Does the proposed action have significant impacts on public health and safety?		
YES	NO	REVIEWER/TITLE
	X	Perry Wickham, Realty Specialist
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Impacts on Natural Resources or Unique Geographic Characteristics

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?

YES	NO	REVIEWER/TITLE
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Level of Controversy

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?

YES	NO	REVIEWER/TITLE
	X	Perry Wickham, Realty Specialist
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Highly Uncertain or Unique or Unknown Environmental Risks

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

YES	NO	REVIEWER/TITLE
	X	Perry Wickham, Realty Specialist
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Precedent Setting

5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?

YES	NO	REVIEWER/TITLE
	X	Perry Wickham, Realty Specialist
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Cumulatively Significant Effects

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?

YES	NO	REVIEWER/TITLE
	X	Perry Wickham, Realty Specialist
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Impacts on Cultural Properties

7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?

YES	NO	REVIEWER/TITLE
	X	Rachel Crews, Archeologist

## Impacts on Federally Listed Species or Critical Habitat

8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

YES	NO	REVIEWER/TITLE
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Compliance with Laws

9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?

YES	NO	REVIEWER/TITLE
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Environmental Justice

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?

YES	NO	REVIEWER/TITLE
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Sacred Sites

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?


YES	NO	REVIEWER/TITLE
	X	Rachel Crews, Archeologist

## Noxious and Non-Native Invasive Species

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?

YES	NO	REVIEWER/TITLE
	X	Brian Buttazoni, Planning & Environmental Coordinator

## Approval Information

Leon Thomas Field Manager ACTING FOR		Date 6/12/2015
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This categorical exclusion worksheet does not constitute the decision to approve this project. See accompanying decision record for appeal information.